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REPORT ON THE JURY
SYSTEM OF THE CIRCUIT COURT
OF BALTIMORE COUNTY

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I. Introduction

The purpose of this report is to describe the jury system of the Circuit Court for Baltimore County. The description includes the entire jury process, from the point of initial selection to the time that the jurors leave the court system after their service.

II. Methodology

The material for this report was gathered through two interviews with the jury commissioner of Baltimore County's Circuit Court. Additionally, forms used by the court in its jury system were examined, as was a report on file in the Court of Appeals of Maryland describing the selection process used in that County's jury system.

If there are any areas that need further clarification or if there are processes that are felt to be erroneously described, please contact the A.O.C., the Administrative Office of the Courts, Annapolis, Maryland.

Comments about the functioning of the jury system are those of the writer only.

III. DESCRIPTION OF THE JURY SYSTEM

The Circuit Court of Baltimore County uses the voter registration list as its source list to select persons for jury service. This list is kept on file in the county's computer. The names, 332,716 in 1976, are listed by voting district and for each district, they are filed alphabetically. According to information given the jury commissioner by the Board of Election Supervisors for Baltimore County, the voting list is updated weekly.

Once each year, usually at the beginning of July, the jury commissioner asks the Board of Election Supervisors for the number of persons registered to vote. Once he has this number, the commissioner divides the number of voters he desires to send Juror Qualification Forms to into the number of registered voters to obtain the interval with which the names are selected. For example, using 1976, he decides he needs 7,000 names. Thus, 7,000 is divided into 332,716 to obtain an interval of 47. In open court, the jury judge then randomly selects a starting number between 1 and 47. Once the starting number is selected, it is given to the computer center, along with the interval of 47, so that the names of prospective jurors can be selected from the voter registration. Thus, if a starting number of 10 is selected, then the 10th name on the list and every 47th name after that is selected. There is no charge by the county for this computer service.

The computer has been programed to eliminate from possible selection, those persons who have been mailed questionnaires within the last three years. It does this by eliminating those persons who were mailed questionnaires over the last three years.

Since about 7,000 names have been chosen each year for the last few years, there are about 20,000 people who are exempted from service. The procedure of eliminating persons who are mailed questionnaires, rather than eliminating just those persons who have served or at least have been qualified to serve, is justified by the commissioner on the grounds that any other method would involve too much added work. He also points out that even with this method there are enough voters to fill the jury needs of the county. The jury commissioner follows a very liberal excuse policy and argues that if a person was excused or exempted this year, he would probably be so next year as well.

Though the above practice may be justifiable on the grounds that any other method would involve unnecessary added work, the practice seems unfair if one considers that a person excused from service has the same three year exemption as one serving his full jury time of one month. One alternative might be to consider the elimination of the three year exemption to service. Though the exemption might have some validity in those areas where the length of jury service or availability to serve is substantial, i.e., three months to six months, in those courts where the length of service is decreasing to a month or two weeks, the exemption has less forcefulness. Of course, eliminating the exemption implies that those courts with lengthy jury terms should probably reduce them.

The court uses a simple but effective method of selecting its jurors. The "one-step" random selection process that it uses contrasts with many of the other courts in the state that use a "two-step" process. This "two-step" process involves selecting a list of names that is at least twice as large as is needed and

then randomly selecting from those names, the list of persons that will ultimately be used. Baltimore County formerly used the two-step process but eliminated it last year after discussions with the AOC led to the conclusion that the added step was not mandated by law. Other courts in the state should be made aware of what is required so that any unnecessary steps can be eliminated.

After the names are randomly selected by the computer, a list of those names, along with an address label and an IBM card for each person is sent from the computer facility to the jury commissioner. This is done in the first week of July. The IBM cards are used to let the computer know which persons become qualified to aid in the random selection of persons from the qualified wheel later on.

A few days after the jury commissioner receives the list of names, the qualification questionnaires are mailed out to the 7,000 persons.

The results for the 1977 court term are:

1. Questionnaires mailed out - 7,000
2. Questionnaires returned - 6,842
 - a. Percentage of those mailed out
that are returned - 98%
 - b. Excused - Statistics
not kept
 - c. Exempt - Statistics
not kept
 - d. Disqualified - Statistics
not kept
 - e. Not Qualified (which is,
in effect, a combina-
tion of a, b, and c) - 4,414
 - f. Qualified - 2,428
3. Not Forwardable (returned by Post
Office) - Statistics not kept, but
believed to be - 158

- | | |
|---|-----|
| 4. No Response - As of three months later - | 8 |
| 5. Percent of those persons returning questionnaires that becomes qualified - | 36% |

As with other circuit courts in the state, Baltimore County's Court requires that the juror qualification forms be returned in ten days. In reality, it takes three to four weeks for the majority of the forms to be returned. In those cases where the form is not returned, the commissioner sends out a second form. In 1976, the juror questionnaires were mailed out on July 8. A second one was sent on August 20 to those persons not responding. They numbered 372. This was only six percent of the total number of persons who ultimately responded.

If a person who is mailed a second qualification form still does not respond, the jury commissioner sends that person a certified letter, requiring him or her to appear and fill out a form. In 1976, 102 of these letters were sent out on October 8, requiring appearance on November 8. Of the 102 persons, only 8 did not show, and 7 of these were persons who had moved. The 8th person eventually showed up at a later date.

Thus, it can be seen that the jury commissioner follows the progress of persons sent juror qualification forms and he has a thorough follow-up procedure for those persons not responding the first time.

Once the jury commissioner has determined who the qualified persons for jury service are, he divides those persons into three equal groups. These three groups correspond to the three terms of court that the circuit court has, the second Monday's of January, April, and September. If there are 2,428 qualified persons, as

in 1976, the groups end up containing about 810 persons each.

The main criterion that the jury commissioner uses to determine what group to place someone in is the stated preference of the person.

He tries to accommodate everyone within limits. Though preferences are considered, they are not controlling. Thus, if one group has too many or too few members, the commissioner shifts around those persons that are necessary to balance the groups.

Once the qualified persons have been divided up, the jury commissioner sends to the computer facility, IBM cards that tell the computer which persons are qualified. The jury commissioner also sends to the computer two starting numbers and two interval numbers for the purpose of selecting the jurors from the qualified wheel. The method that is used is as follows:

1. There are 810 qualified prospective jurors for each term of court.
2. Twenty-three Grand Jurors for each term of court are needed.
3. Twenty-three is divided into 810 to obtain the interval with which the Grand Jurors are selected - 35.
4. A starting number between 1 and 35 is then randomly chosen.
5. Thus, if 10 is chosen, the tenth name is picked and every 35th name after that.
6. Another starting number is chosen, often it is the next number in sequence after the first starting number, and an alternate Grand Jury panel is picked.
7. The same procedure is used to pick the Petit Jury panels, except that the number 25 is used instead of 23 in step 3.
8. The computer selects 30 panels of 25, or as many jurors as are available from the qualified list, whichever comes

first. the first 12 panels are the primary panels. The next 12 are for alternates. The last 6 panels are used to obtain talesmen - emergency jurors.

The above selection process usually occurs six weeks prior to the beginning of each court term.

Four weeks prior to the beginning of each court term, summonses are sent out by regular mail to 123 prospective jurors. These are to the 23 Grand Jurors and to four primary panels of 25 Petit Jurors. The court formerly used registered mail but found that they obtained poor results because many persons would not accept the letters and many would not go to the post office to pick up the letter if it had not been delivered the first time. Additionally, the process was slowed because the post office would hold the letter 15 days before returning it to the court.

When the jurors receive the summons, they have ten days to reply. If they do not reply within that time, they are contacted by phone so that their status can be ascertained. When the jurors do reply to the summons, they can request that they be excused. This request, though, must be in writing. When an excuse request is submitted, it is reviewed and ruled on by the jury judge. If a person is excused, the commissioner goes to the alternate list and selects a person. He goes straight down the list, using the first alternate panel, then moving to the second. When an alternate is sent a summons, he is only given five days with which to reply to the summons. This is because the time between the mailing of the summons to the reporting time has become shorter. An alternate can be mailed a summons anywhere from 20 to 5 days from the reporting date. If it happens that a person does not reply to the summons and he cannot be reached by phone by the court, the court

may request that the sheriff stop and see if contact can be made.

There are three terms of court for the Circuit Court of Baltimore County. These terms commence on the second Mondays of January, April, and September. At the beginning of each of these terms, 123 jurors report. Twenty-three are Grand Jurors and they serve the entire term. The 100 Petit Jurors only serve one month, usually. After their service, another 100 are called in, with the same summons process as is initially followed being used. The month of service for the Petit Jury is generally the case except for two times in the year. The panel for July also serves in August because it is a slack time of the year due to judicial and attorney vacations. The panel for December must also serve the first week in January, if needed, because of a short term of service in December due to the holiday.

Ten days prior to the reporting of the Grand Jury, the jury commissioner sends out juror handbooks to them. This is to facilitate the orientation process. Petit Jurors are not mailed handbooks because the jury commissioner feels that they get enough exposure to the court system any way. They are given their handbook when they report.

Due to the fact that there are new jurors reporting almost every month, there are ten reporting days during the year during which an orientation program is conducted. On these days, the jury commissioner and his assistants discuss the jury system with the new jurors. On five of these reporting days, there are bench meetings by the judges during which no trials are scheduled. These meetings are held every other month. On the other five reporting days during the year, trials are scheduled and the jurors are used after they are oriented. Thus, the court does make use of the jurors on orientation day, but only fifty percent of the time.

Grand Jurors serve as they are needed, a determination made by the State's Attorney. In calendar year 1976, they served 93 days, at a cost of approximately \$30,000 (the cost for FY 1977 was \$30,000). The service for each month varied between five and ten days, with the average being almost eight days.

Petit Jurors also serve as they are needed. For their approximate one month term in Baltimore County, this usually turns out to be 15-20 days. The cost of this service to the county, using FY 1977, is about \$260,000. The procedure that is used for Petit Jurors is as follows:

1. The new jurors, four panels of 25, report to the court for their one month term. There is no juror assembly room so the jurors are placed in their panel and each panel is sent to a jury deliberation room. Sometimes not all the panels will contain 25 members; some may have been temporarily excused. If the jurors are not needed after they are oriented, they are excused.

2. When a juror is excused, he is told when next to report. The determination of whether a juror, or a panel, should report is made by the jury commissioner and is based on information he receives from the assignment office and the State's Attorney's Office concerning the status of cases set for trial. The commissioner usually has information on how many and what types of cases are set for trial for a number of days. Thus if a panel is not needed the next day, it might be told to report the day after. Of course, in some instances, more or less jurors might be needed than have been called. In those cases, the commissioner contacts them by phone as soon as he can.

3. When the jurors do show up, roll is taken by the jury commissioner's assistants. This helps for pay purposes and also

shows how many jurors showed up that day (note - no attempt to summarize how many jurors usually show up is made).

4. When jurors are needed for a trial, the jury commissioner sends one or more panels to the judge. How the panels are picked is a function of expediency and the judge's preference. He might not desire a certain panel for some reason. Another consideration is how many jurors are needed. If one panel is not enough, a portion of another might be sent. No attempt is made to formally randomize the process of choosing jurors for voir dire.

5. In deciding how many jurors to send to voir dire, which in effect determines how many to have report for any one day, the main factor controlling is what type of trial it is and how many possible peremptory challenges there are.

For major felony cases, the law provides that there shall be 20 peremptory challenges for the defense and 10 for the prosecution, for each defendant. For all other cases, there are 4 peremptory challenges for each party. If alternate jurors are chosen in a case, additional peremptory challenges are given. Thus, for a felony case, the jury commissioner will usually send around 50 jurors to voir dire if that many are available. For other cases, if there is only one defendant, he sends about 25. Though 25 jurors for voir dire might be slightly more than is needed, the commissioner usually sends 25 because that is the normal panel size and 25 is an easy number to work with. Sometimes, there might not be the exact amount of desired jurors. In those cases, the judge, at the request of the commissioner, asks the prosecution and sometimes the defense to limit their peremptory challenges. Sometimes, circumstances might also call for more jurors than are

available. If more than 100 jurors are needed, the jury commissioner makes use of the talesmen emergency jurors. These are taken from the six panels provided for that purpose. These jurors are often served by personal service by the sheriff, sometimes the night before they are needed, but usually a week prior to being needed.

Because the court uses the same panels over again and because jurors are sent to voir dire by panel, there could be the tendency for the same jurors to sit on the same cases together. The commissioner has attempted to eliminate this tendency of having basically the same jury sit on many cases, by having the court start on even numbered days at the top of the panel list and start at the bottom of the list on odd numbered days. The jury commissioner has found that counsels tend to go right down the panel list in selecting the jurors and the commissioner feels that if one alternates the starting point, it helps balance out who sits on juries.

One might be tempted to wonder that if the attorneys do, in fact, go down the list in selecting jurors, then if panels of 25 are sent to voir dire, possibly more jurors than are needed are being sent to voir dire. At the present time, information is not gathered on exactly how many jurors are used in the average case, that is, those who actually sit on a case plus those that are challenged, so there is no way to tell if possibly the size of panels could be reduced. This area, the gathering of information on actual juror usage, is seen as one area where improvement could be made.

Another method that the jury commissioner uses to try and get equal usage out of panels, is that he keeps records on how many days a panel has served during its term. If one panel has been called in more than the others, he refocuses on the other

panels and calls them in instead.

Presently, the judges in Baltimore County's Circuit Court function under what could be described as an individual calendar control system. Part of the practice in their system is to not have any formal or even informal policy on staggered trial starting times. Each judge sets his own docket. The result is that most of the judges usually schedule their trials to start at 10:00. This means that the jury commissioner must have enough jurors on hand first thing in the morning to meet the peak demand. Often times, many judges settle other matters prior to the starting of a trial. This usually means that though the trial is scheduled to start at 10:00, it might often start an hour or more later. Sometimes the jury commissioner can use this informal staggering to his advantage. But often times not. Getting use out of this practice depends on the information being communicated to the commissioner by the judge. However, this is an individual matter and is seldom done. Thus, the final result possibly is an increased waste of juror time and court money, first in having more jurors than is really necessary report and second, by having the jurors wait unnecessarily long amounts of time. However, because of the lack of statistical information, neither of the observations can be verified.

Payment of jurors is done on a monthly basis. This is usually at the end of their term.

The court does have exit questionnaires, but does not use them. The judges in a bench meeting voted against the use of them and the jury commissioner is not sure why.

Finally, in commenting on the adequacy of voters registration lists as sources of prospective jurors, the jury commissioner

feels that nay attempt to use other lists, such as driver's lists, is unnecessary. He also is of the opinion that it would be too much work. Because the commissioner has a liberal excuse policy, and because he feels that persons on lists other than the voters list would be more likely to press for exemption from service, he sees the use of other lists of persons as being of little benefit to the Baltimore System. This argument possibly has some merit and it warrents some further study. However, at the same time, the jury commissioner should be made aware of what is involved in the use of multiple source lists.

APPENDIX

Forms used in the Baltimore County Circuit Court

The Circuit Court for Baltimore County

THIRD JUDICIAL COURT OF MARYLAND

401 BOSLEY AVENUE

TOWSON, MARYLAND 21204

Date-----

Dear Sir-Madam,

You have been selected to serve on the-----
Term Petit Jury for Baltimore County. Please report in Court Room No. -----,
County Courts Building, Towson on-----at 9:00 A.M.

The enclosed summons (Page No. 1) is to be signed and the questionnaire
(Page No. 2) is to be filled out completely; and both are to be returned by mail
to this court within five (5) days.

Your service will be for a period of approximately ----- weeks and
you will report for duty as directed by the Court. You will be paid fifteen
dollars for each day of your appearance plus twelve cents per mile for
each mile traveled between home and court.

I am advising you far in advance of the reporting date so that you can
arrange your schedule. Requests for postponement should be made in
writing to Nelson O. Carlisle, Jury Commissioner, but they will not be con-
sidered after ----- Jury information may be obtained
by calling 494-3596.

Very truly yours,

William R. Buckman, Jr.
Jury Judge

JUROR QUALIFICATION FORM

INSTRUCTIONS

1. Print answers to all questions in ink or use typewriter.
2. Return in 10 days BY MAIL in enclosed envelope.
3. Another person may help you fill this form.
4. Form will be returned if not signed at item 20.

IF YOU FAIL TO FILL IN THIS FORM AND RETURN AS REQUIRED, YOU WILL BE SUMMONED TO APPEAR PERSONALLY IN THE MARYLAND CIRCUIT COURT FOR BALTIMORE COUNTY.

Circuit Court for Baltimore County

NELSON O. CARLISLE

Jury Commissioner

338 Courts Building

401 Bosley Avenue

Towson, Md. 21204

DO NOT WRITE IN THIS SPACE.

1 NAME _____ (Last) _____ (First) _____ (Middle)

2 Present Home Address _____

Zip Code _____ Telephone No. (Home) _____ (Business) _____

3 Date of Birth _____ Present Age _____ Sex _____

IF YOU OBJECT, YOU NEED NOT ANSWER THE QUESTIONS ON LINE 4. FAILURE TO ANSWER THEM WILL NOT DISQUALIFY YOU FROM SERVICE AS A JUROR.

4 Race _____ Religion _____ Country where born _____

5 Years lived in Baltimore County _____

6 Education: Circle last grade completed and give name of school:

Grade School 1 2 3 4 5 6 7 8 _____

Junior and Senior High School 9 10 11 12 _____

College 1 2 3 4 _____

7 Marital Status: Single _____ Married _____ Divorced _____ Widow(er) _____

8 Present Employer _____ Your Occupation _____

9 If not working: Name of last employer _____ Year _____

10 State year you last served as a Grand Juror _____ Petit Juror _____

11 Spouse's Name _____ Occupation _____

12 Can you read and write the English Language? _____

13 Can you speak English? _____ Do you understand spoken English? _____

14 State if you have been convicted of a crime, or have a criminal case pending against you, other than a minor traffic offense (punishable by a fine under \$500 or sentence under six months).

Crime charged _____ Where _____ Year _____

Sentence or fine _____ Pardoned? _____

15 Do you have a civil lawsuit pending in Baltimore County? _____

(over)

necessary
16. Do you have any physical or mental infirmity which would limit your ability to serve as a juror? _____

Explain: _____

A doctor's certificate stating that, because of physical or mental infirmity, illness or disability, you are unable to perform satisfactory service as a juror, may be attached to this form when you return it. However, if you do not send a statement from your doctor, and one is needed to properly consider your claim of dissability, you MUST furnish the doctor's certificate when so directed by the Jury Commissioner.

eliminate?
17. If you request to be excused from all jury service during the coming year, check one of the following four reasons:

(1) It would cause "undue hardship" _____

(2) It would be "extremely inconvenient" _____

(3) Over seventy, request exemption _____

(4) My work involves "public necessity" _____ (Statement below must be completed by your employer)*

Give details: _____

18. Employer's request that employee whose duties involve public necessity be excused from jury service.

* EMPLOYER: Name _____

Address _____

Government Agency _____ Public Utility _____ Private Business _____

Nature of Employer's Business or Public Service _____

JUSTIFICATION FOR REQUEST THAT EMPLOYEE BE EXCUSED

Signed by _____

Signer's Position _____ Date _____

19. Persons who are found qualified for jury service and are not excused may, (1) if selected for service as a petit juror, be required to serve each court day for approximately four weeks, or (2) if selected for service as a grand juror be required to serve usually one day each week for a term of court, which is four months. All jurors are paid \$15.00 per day for each day served. To the extent possible, you will be given an opportunity to serve as a juror at the time most convenient to you. There are three terms of court each year, listed below. Place the figure "1" beside the term in which you would prefer to serve, and the figure "2" beside the term that would be next most convenient to you. Place the figure "3" beside the remaining term. THESE TERMS ARE FOR THE FOLLOWING CALENDAR YEAR.

January Term (January through March) _____

April Term (April through August) _____

September Term (September through December) _____

20. I certify under the penalties of perjury, that the information I have given here is true to the best of my knowledge.

Signature _____ Date _____

I filled out this form for the person whose name appears above because _____

My name is _____ Address _____